

October 12, 2006

California Building Standards Commission
ATTN: Thomas L. Morrison, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833

RE: Proposed State Fire Marshal Building Code Changes

General Comments

These are the comments of the California Forestry Association regarding the State Fire Marshal's (SFM) proposed building code modifications under Health and Safety Code Sections 18949.2 and 18949.3. The Building Standards Commission (BSC), provided notice for these changes on September 1, 2006, which reflect the state's adoption of the International Building Code (IBC), as amended for California.

The California Forestry Association represents the forest products industry on legislative and regulatory issues for its members in California. Our membership is comprised primarily of large timberland owners and lumber manufacturing operations. They produce the bulk of the approximately 2.7 billion board feet of lumber produced in this state each year. As such, we are particularly concerned about some of the provisions of the proposed building codes which could impact the use of lumber.

Our specific concerns relate to the building height and area provisions for such buildings as apartments, hotels, motels, condominiums, and similar structures. In our view, the state's proposed amendments to the IBC in this regard are unwarranted and would cause a negative economic impact on our industry. In all, there are nearly 1,000 code modifications proposed by the SFM, with over 400 of those being significant. With these changes, the state would effectively be adopting its own unique standards that would be vastly different than the IBC. We believe that the state should adopt the IBC standards as other states have, which would bring about more uniform construction codes across the nation.

Nine Point Criteria

California's Health and Safety Code 18930(a) requires that building standards submitted to the BSC must be accompanied by an analysis, which will, to the

satisfaction of the Commission, justify their approval. Yet, we found no such documentation from the SFM accompanying the package of proposed building code changes. In particular, criteria #4 states: "The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part." We believe that the proposed code modifications do not meet this standard because they are unfair to wood products, and appear to be arbitrary.

Specific Comments

For all of the specific comments below, we urge the BSC to return to the IBC standardized codes for consistency. In addition, we believe that the IBC provides the level of safety necessary to meet California's needs for protecting public health and safety.

Chapter 4.

403.3.1 - Type of Construction: The SFM substituted the term "structural frame" for "columns supporting floors" in the exceptions to the model code language. This is an increase in fire protection from the model code and is related to the height and area/ sprinkler 'tradeoff' package. The amendment does not allow the high-rise reductions in fire-resistance ratings for any part of the structural frame. We believe that the mandatory sprinkler requirement adequately addresses this issue, eliminating the need for this provision.

408.1.1 - Construction: The SFM proposal revises tabulated allowable areas (Table 503) and type of construction (Table 601) for I-3 buildings to require types I and II construction. An exception has been added to allow the use of types III, IV, and V PROTECTED construction provided the building is limited to 5,200 square feet in area. The proposal does not allow any type of unprotected construction. This is contrary to the requirements contained in the IBC. The IBC drafting committee extensively reviewed fire data and fire records of the legacy codes. It concluded that these occupancies and types of construction are satisfactory in these instances. No justification or documentation has been provided to indicate that these occupancies have had any fire related issues specific to California.

Chapter 5

Table 503 – Allowable Height and Building Areas: The entire table (408.1.1) was developed without any supporting documentation. Without proper documentation, the proposal does not meet the State's legislated nine point criteria under Health and Safety Code 18930(a).

Table 508.3.3 – Required Separation of Occupancies: The SFM proposes to increase the required occupancy separation requirements for certain occupancies. Again, there is no justification offered to indicate that an increase in the fire resistive requirements is necessary. Further, the SFM proposal results in a de facto increase in

the type of construction material by requiring higher fire resistance ratings which some materials like wood may not be able to achieve. However, the SFM offered no data to show that the higher fire resistance is necessary for protection of life or property.

Chapter 7

704.5 – Fire Resistance Ratings: The Building Code, Urban/Wildland Interface code and the Fire Code work in concert to provide the protection on a performance basis. The prescriptive language proposed by the SFM unnecessarily restricts design flexibility and adds cost without any apparent benefit. The proposal will require wall assemblies to be tested for exposure to both sides even though the openings in the wall are not required to be protected and there is no fuel load permitted to be present. Contrary to IBC requirements, we see no data to indicate that the additional fire resistive requirements are necessary.

Summary

In summary, we believe that many of the code changes recommended by the SFM to the International Building Code are unsubstantiated and would be costly to consumers. Further, they would weaken a primary industry in California by requiring building products that most likely will be produced in other states and nations. We don't see valid justification for these codes amendments, and we feel that they are in conflict with the criteria established by current law.

For these reasons, we urge the Building Standards Commission to withdraw those elements of the package relating to height and area as described above, and either adopt the IBC codes or send the package back to the SFM for further work. We would be pleased to offer additional input to the SFM in that process.

Sincerely,

David A. Bischel
President

cc: Rosario Marin, State and Consumer Services Agency
Ms. Kate Dargan, Office of the State Fire Marshal